

**WESTBROOK ZONING COMMISSION
REGULAR MEETING
December 28, 2010
7:00 PM MULVEY MUNICIPAL CENTER, MULTI-MEDIA ROOM**

Members Present: Chairman Tony Marino, Regular Member Harry Ruppenicker Jr., Regular Member Chris Ehlert, Alternate Member Tom D'Antico and ZEO Nancy Rudek.

Also Present: Engineer Bob Doane, John King from CT Water Company and Applicant for 172 Boston Post Road.

CALL TO ORDER: Chairman Tony Marino called the regular meeting to order at 7:00 p.m.

ESTABLISHMENT OF QUORUM Chairman Marino seated Alternate Member Tom D'Antico for Tom Belval.

AGENDA ADDITIONS

None.

PUBLIC HEARING

1. **Z2010-11 – 1333 Essex Road – Special Permit Application for replacement of existing Holbrook Well Building in an LDR Zone District and Water Resource District (Applicant John King/CT Water Co.) (35-day application period ends 2/1/2011) [possible deliberation & vote].**

John King of CT Water Company was present and stated that they are proposing to replace the current 10x10 prefab building with a 12x16 prefab building for the purpose of adding fluoride to the facility as required by the Connecticut Health Department. Since they will be in the area doing the swap, they will also bring the grade elevation back to 34, which was what is used to be. They are proposing to bring in processed stone, but there will be no stockpiling. Chairman Marino stated that he has seen, many times, that the existing building has water around it. If the elevation is brought back up to 34, will this prevent water around the building? Mr. King stated that he cannot guarantee this because they have problems with beavers and a lot of times, the problem begins down stream and backs up to their facility and they have no control over this. The well itself is not located in the building and they do not store any chemicals there during the winter, only in the warmer months. Chairman Marino read the Conservation Commission letter dated 12/27/10 that recommends approval of the application with the conditions that a list of all chemicals be submitted and whether they are solids or liquids and that a impervious floor be installed as well as a containment wall to prevent any chemicals from entering the surrounding water. Mr. King went over the list of chemicals and stated that they are all liquids and they have been approved by the CT Dept. of Health. Harry Ruppenicker Jr. stated his concern that someone might be able to break into the building. Mr. King stated that all necessary warning signs are posted on the building. It was also asked if the Fire Department gets notification of what chemicals are being stored. Mr. King stated they would do so if the Commission requests it. Chairman Marino read the Planning

Commission letter dated 12/17/10 that states “The Planning Commission found the application to be consistent with the Plan of Conservation and Development”. Chris Ehlert asked if there were some kind of leakage or spill, would it be contained. Mr. King stated that if the Commission requires it, there would be 100% containment.

At this time, Chairman Marino opened the floor to the public. There were no members of the public present who wished to speak.

Harry Ruppenicker Jr. asked if an alarm system could be installed. Mr. King stated that if the Commission required this, they will install one.

Upon a motion by Chris Ehlert, seconded by Harry Ruppenicker Jr., it was:

VOTED: Unanimously to close the Public Hearing on this application.

Upon a motion by Chris Ehlert, seconded by Harry Ruppenicker Jr., it was:

VOTED: Unanimously to close the public hearing portion of the meeting at 7:23 p.m.

Upon a motion by Harry Ruppenicker Jr., seconded by Chris Ehlert, it was:

VOTED: Unanimously to approve Application Z2010-11 with the following stipulations:

1. All chemicals are to be fully contained to prevent leaching into surrounding water resource areas.
2. An intruder detection system that is known only to the Connecticut Water Company be installed.
3. A list of all chemicals being stored in the building be sent to the Westbrook Fire Department.

RECEIPT OF APPLICATIONS

None.

NEW BUSINESS:

1. **Z0812 – 1961 Boston Post Road – Request for Extension of Special Permit, originally approved on 11/6/08 for restoration of existing structure and construction of eight residential dwellings in three buildings and associated site improvements.**

Engineer Bob Doane was present and stated that the property has changed ownership and the new owners are requesting a 6- month extension to get organized.

Upon a motion by Tom D’Antico, seconded by Harry Ruppenicker Jr., it was:

VOTED: Unanimously to grant a 6-month extension for Approved Application Z0812.

2. **Aquifer Protection Regulations: Proposed amendments to Aquifer Regulations, as mandated by CT DEP. (schedule date for public hearing).**

Will combine this with public hearing scheduled for other proposed regulation changes.

3. **Zoning Regulations – proposed amendments to the Zoning Regulations (specific sections to be determined). (schedule date for public hearing).**

The Planning Commission’s Regular Meeting is schedule for March 14, 2011. It was discussed to hold a joint Public Hearing with them on that date to discuss Storm Water Management and then have an additional Public Hearing with the Zoning Commission only to discuss Site Plan Requirements, Special Permit Requirements and Exterior Lighting Requirements. We can also discuss the Aquifer Protections Regulations. ZEO Nancy Rudek will contact all members to see if they are available to do this.

4. **172 Boston Post Road:**

The applicant was present and stated they want to open a Fitness Studio at this location. The business will be for personal training and possibly Kick Boxing and Yoga classes. There will be no

weight lifting offered, so no heavy equipment. They have 29 parking spaces available and they only need 20 for the square footage that they will be using. There will be no structural changes. This building was previously a retail operation. They will have signage, but will only be replacing what is currently existing, nothing bigger. The Zoning Commission concurred to have the ZEO handle this application administratively.

OLD BUSINESS:

None.

MISCELLANEOUS:

None.

COMMISSION BUSINESS

1. **ZEO Report:** Report was distributed and discussed.

2. **Miscellaneous Correspondence:**

- a. Copy of Corrected IWWC 10/5/10 Meeting Minutes.
- b. Copy of IWWC 11/3/10 Meeting Minutes.
- c. Copy of Corrected Conservation Commission 10/19/10 Meeting Minutes.
- d. Copy of Conservation Commission 11/16/10 Meeting Minutes.
- e. Copy of Attachment to Building Permit 10-255 – 139 Grove Beach Road South – Zoning Review.
- f. Copy of letter from First Selectman Noel Bishop to Michael Pill regarding proposed Arcade Site.
- g. Copy of Enforcement Complaint for 143 Pond Meadow Road.
- h. Copy of Enforcement Complaint for 76 Green Meadow Drive.
- i. Copy of Enforcement Complaint for 728 West Pond Meadow Road.
- j. Copy of Enforcement Complaint for 359 Boston Post Road.
- k. Copy of Enforcement Complaint for 1135 Horse Hill Road.
- l. Copy of Enforcement Complaint for 142 Seaside Avenue.
- m. Copy of Cease & Desist for 728 West Pond Meadow Road.

3. **Bills:**

Regular Budget: Upon a motion by Harry Ruppenicker Jr., seconded by Tom D'Antico, it was: **VOTED:** Unanimously to approve payment of the following invoices out of the 2010/2011 Regular Budget: \$319.00 to Branse, Willis & Knapp for General Legal; \$27.73 to Kathleen Kelemen for Secretarial duties; \$76.07 and \$37.01 to W.B. Mason for miscellaneous Office Supplies, \$67.50 to Nancy Rudek for Mileage Reimbursement, \$240.00 to Pictometry Online Interface for Annual Fee and \$163.40 to the Hartford Courant for Legal Notices.

Special Funds – Bond Releases: Upon a motion by Chris Ehlert, seconded by Tom D'Antico, it was:

VOTED: Unanimously to approve the bond release of \$3,270.00 to Westbrook/Lorenson Toyota, 28 & 80 Flat Rock Place, for directional striping on Flat Rock Place.

Upon a motion by Harry Ruppenicker Jr., seconded by Tom D'Antico, it was:

VOTED: Unanimously to approve the bond release of \$6,000.00 to 1706 Boston Post Road for sidewalk installation.

APPROVAL OF MINUTES: November 30, 2010 Special Meeting

Upon a motion by Harry Ruppenicker Jr., seconded by Tom D'Antico, it was:

VOTED: Unanimously to approve the minutes of the Special Meeting minutes of November 30, 2010.

ADJOURNMENT

Upon a motion by Harry Ruppenicker Jr., seconded by Chris Ehlert, it was:

VOTED: Unanimously to adjourn at 8:18 pm.

Respectfully submitted:

Kathleen H. Kelemen, Secretary

As transcribed from tape of the meeting.